

**FILED**

OCT 29 2007

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

FRESENIUS MEDICAL CARE HOLDINGS,  
INC., a New York corporation; and FRESENIUS  
USA, INC., a Massachusetts corporation,

Case No. C 03-01431 SBA (EDL)

Plaintiffs and Counterdefendants,

**SPECIAL VERDICT FORM**

v.

BAXTER INTERNATIONAL, INC., a  
Delaware corporation; and BAXTER  
HEALTHCARE CORPORATION, a  
Delaware corporation,

Defendants and Counterclaimants.

We, the jury in the above-entitled action, unanimously find the following special verdict on  
the questions submitted to us:

**DAMAGES**

1. What amount of damages is Baxter entitled to for Fresenius' sale of the 2008K  
machine:

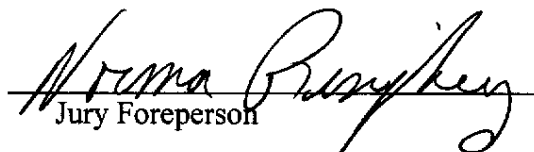
\$ 14,175,000

2. Do you find that Baxter is entitled to damages on Fresenius' sale of disposable  
products: Yes ☒ No ☐

(If the answer is "Yes," indicate below the amount of those damages.)

\$ 91,000

Dated: 10-29-07

  
Jury Foreperson

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Norma Ruyshy  
Jury Foreperson